

PTO/SB/21 (09-04)

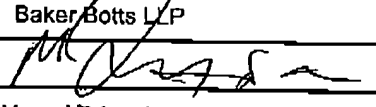
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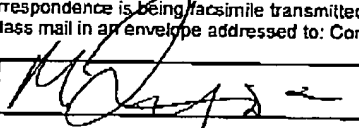
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TRANSMITTAL FORM	Application Number	09/809,367	
	Filing Date	March 15, 2001	
	First Named Inventor	Edward J. Hogan	
	Art Unit	3621	
	Examiner Name	Calvin L. Hewitt II	
(to be used for all correspondence after initial filing)		Attorney Docket Number	070457.0985 (AP330880)
Total Number of Pages in This Submission			

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Request for Oral Hearing		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Baker Botts LLP	Customer No.	21003
Signature			
Printed name	Manu J Tejwani		
Date	02/28/2007	Reg. No.	37,952

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PTO/SB/17 (10-04)

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FEE TRANSMITTAL
for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1000

Complete if Known

Application Number	09/809,367
Filing Date	March 15, 2001
First Named Inventor	Edward J. Hogan
Examiner Name	Calvin L. Hewitt II
Art Unit	3621
Attorney Docket No.	070457.0985 (AP330880)

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1001	2001	Utility filing fee	
1002	2002	Design filing fee	
1003	2003	Plant filing fee	
1004	2004	Reissue filing fee	
1005	2005	Provisional filing fee	

SUBTOTAL (1) (\$ 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20 =	X	0
Multiple Dependent	-3 =	X	0

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1202	2202	Claims in excess of 20	
1201	2201	Independent claims in excess of 3	
1203	2203	Multiple dependent claim, if not paid	
1204	2204	-- Reissue independent claims over original patent	
1205	2205	-- Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1051	2051	Surcharge - late filing fee or oath	
1052	2052	Surcharge - late provisional filing fee or cover sheet	
1053	1053	Non-English specification	
1812	1812	For filing a request for ex parte reexamination	
1804	1804	Requesting publication of SIR prior to Examiner action	
1805	1805	Requesting publication of SIR after Examiner action	
1251	2251	Extension for reply within first month	
1252	2252	Extension for reply within second month	
1253	2253	Extension for reply within third month	
1254	2254	Extension for reply within fourth month	
1255	2255	Extension for reply within fifth month	
1401	2401	Notice of Appeal	
1402	2402	Filing a brief in support of an appeal	
1403	2403	Request for oral hearing	1000
1451	1451	Petition to institute a public use proceeding	
1452	2452	Petition to revive - unavoidable	
1453	2453	Petition to revive - unintentional	
1501	2501	Utility issue fee (or reissue)	
1502	2502	Design issue fee	
1503	2503	Plant issue fee	
1460	1460	Petitions to the Commissioner	
1807	1807	Processing fee under 37 CFR 1.17(q)	
1806	1806	Submission of Information Disclosure Stmt	
8021	8021	Recording each patent assignment per property (times number of properties)	
1809	2809	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	For each additional invention to be examined (37 CFR 1.126(b))	
1801	2801	Request for Continued Examination (RCE)	
1802	1802	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1000

SUBMITTED BY

Name (Print/Type)	Manu J. Tejwani	Registration No. (Attorney/Agent)	37,952	Telephone	212-408-2500
Signature		Date	02/28/2007		

(Complete if applicable)

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AP33088 - 070457.0985

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

On Appeal to the Board of
Appeals and Interferences

Appellant(s) : Edward J. Hogan, *et al.* Examiner : Calvin L. Hewitt II
Serial No. : 09/809,367 Group Art Unit: 3621
Filed : Mar. 15, 2001
Title : METHOD AND SYSTEM FOR SECURE PAYMENTS
OVER A COMPUTER NETWORK

REPLY BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant files this paper in response to the Examiner's Answer mailed on December 28
2006. Further, Appellant requests an Oral Hearing.

NY02:577748

A34478 - 065855.0122

I. Appellant's Response to Section (9) Grounds for Rejection

The Examiner has kindly withdrawn the § 112, second paragraph, rejection of claims 1-10. However, the Examiner maintains the § 112, first paragraph, rejection.

The Examiner's argument (as summarized in the paragraph straddling pages 3-4, Examiner's Answer) appears to suggest that the "reusable" nature of applicants' claimed "second payment account number" is not supported in the specification.

However, Appellant resubmits that at least page 3 ¶ [0006] of the specification as filed provides written support for the claimed reusability feature. In particular, the specification at page 3 ¶ [0006] states: "[second payment account number,] which avoids requiring the creation and transmission of a unique repeatedly generated transaction number to replace the transmission of the permanent account number for each conducted transaction." This language provides adequate written support for the claimed notion of permanence and reusability of the second payment account number.

II. Appellant's Response to Section (10) Response to Arguments

The Examiner's position on the § 112, first paragraph, rejection (as stated on page 13, Examiner's Answer) has been addressed above.

The Examiner's position on the § 103(a) rejection (pages 14-15, Examiner's Answer) misinterprets Flintoff. The Examiner correctly notes that Flintoff (i.e., Flintoff Abstract and col. 6 lines 32-64) as showing use of a limited-use or single use [credit card number]. The Examiner,

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however, mistakes Flintoff's "credit card number" to be a "pseudo account number" or the "second payment account number" as recited in the rejected claims 1-10.

Careful reading of Flintoff shows that Flintoff is only concerned only with the so-called "master credit card numbers" or "first payment account numbers," albeit several such first payment account numbers assigned to a plurality of purchasers all funded by a single corporate or family account. (See Flintoff col. 6, lines 39-53). Flintoff does not show, teach, or suggest the use of pseudo, proxy or second account numbers as recited in the claims.

In particular with respect to the rejected claim 1, Flintoff does not show, teach, or suggest a second payment account number useable by a purchaser in transaction processing by the purchaser over a communications network to replace a first payment account number that has been assigned to the [same] purchaser. Further, Flintoff does not show, teach, or suggest such a second payment account number having an encryption key assigned thereto. (See claim 1 elements (a) and (b)).

For this reason also, it is respectfully submitted that a case that the claims of the present invention are obvious has not been established.

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III. Conclusion

For the reasons set forth herein, as well as for the reasons set forth in Appellant's Brief, Appellant respectfully requests reversal of the rejections and allowance of claims 1-10.

Respectfully submitted,

Dated: February 28, 2007

By: 
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